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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,941	11/24/2003	Donna K. Hodges	BS030006 (03-BS023)	5264
7590 Scott P. Zimmerman P.O. Box 3822 Cary, NC 27519			EXAMINER TRAN, NGHI V	
			ART UNIT 2151	PAPER NUMBER
			MAIL DATE 06/12/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/720,941	Applicant(s) HODGES ET AL.	
	Examiner Nghi V. Tran	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>03/08/04&05/21/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 7-12, and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feig, United States Patent Application Publication Number 2006/0041679 (hereinafter Feig) in view of Hui, United States Patent Application Publication Number 2005/0094725 (hereinafter Hui).

4. With respect to claims 1, 3, 19, and 20, Feig teaches a method of providing communications services [see abstract], comprising the steps of:

- receiving data [i.e. multimedia data] at a computer, the data received as packets of data packetized according to a packet protocol [i.e. UDP/TCP protocol] [figs.3&5];

- segmenting the packets of data into segments [fig.9] according to a segmentation profile stored in memory [i.e. database 60] [paragraphs 0058-0075];
- dispersing at least one of the segments via a network for a subsequent processing service [paragraphs 0010-0022];

However, Feig does not explicitly show receiving results of the subsequent processing service; aggregating the results of the subsequent processing service; and communicating the aggregated results to a client communications device, wherein the aggregated results are formatted according to the segmentation profile.

In a method of providing communications services, Hui discloses or suggests receiving results of the subsequent processing service; aggregating the results of the subsequent processing service; and communicating the aggregated results to a client communications device, wherein the aggregated results are formatted according to the segmentation profile [figs.1-5 and paragraphs 0020-0088].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Feig in view of Hui by communicating the aggregated results to a client communication device because this feature could increase and/or decrease the segment size according to the threshold [Hui, paragraph 0048]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to adjust at least one encoding parameter which is then used to encode the additional video information [Hui, see abstract].

5. With respect to claim 2, Feig further teaches the step of receiving a request for the first data stream, the request originating from a client communications device [fig.11].

6. With respect to claim 4, Feig further teaches processing at least one of the segments at a network device operating in the communications network [figs.1-2].

7. With respect to claims 5 and 16-18, Feig further teaches wherein the step of dispersing the segments comprises dispersing according to the segmentation profile [see abstract].

8. With respect to claims 7-12, Feig does not explicitly show wherein the step of segmenting the packets of data comprises segmenting according to a dynamic requirement.

In a method of providing communications services, Hui discloses or suggests wherein the step of segmenting the packets of data comprises segmenting according to a dynamic requirement [i.e. segment size adjuster **218**] [figs.2&4-5].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Feig in view of Hui by segmenting according to a dynamic requirement because this feature could increase and/or decrease the segment size according to the threshold [Hui, paragraph 0048]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in

Art Unit: 2151

order to adjust at least one encoding parameter which is then used to encode the additional video information [Hui, see abstract].

9. Claims 6 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feig in view of Hui, as applied to claim 3 above.

10. With respect to claim 6, Feig does not explicitly show wherein the step of segmenting the packets of data comprises segmenting according to a template, the template describing a repetitive structure of the packets of data. However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Feig by segmenting according to a template, the template describing a repetitive structure of the packets of data.

11. With respect to claims 13-14, Feig does not explicitly show wherein the step of segmenting the packets of data comprises segmenting according to a security requirement. However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Feig by segmenting according to a security requirement.

12. With respect to claim 15, Feig does not explicitly show wherein the step of segmenting the packets of data comprises segmenting according to a Service Level Agreement. However, it would have been obvious to one of ordinary skill in the art at

the time of the invention was made to modify Feig by segmenting according to a Service Level Agreement.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. "Model and model update technique in a system for modeling the relationship of the bit rate of a transport stream and the bit rate of an elementary stream carried therein," by Balakrishnan et al., United States Patent Application Publication Number 2005/0038637.

b. "Method for sending multiple voice channels over packet networks," by Lebizay et al., United States Patent Application Publication Number 2003/0093550.

c. "System and method for facilitating interactive presentations using wireless messaging," by Zilliacus, United States Patent Application Publication Number 2003/0211856.


14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Thursday and every other Friday (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nghi Tran
Patent Examiner
Art Unit 2151

June 04, 2007



ZARNI MAUNG
SUPERVISORY PATENT EXAMINER